

Beware the Exploding Standard

by Ashley DeGiacomo, AStd

At the last several SES conferences I've attended, and in my role as Education Council Director, I've heard the rumblings of discontent from SDOs about copyright infringement. Black market websites are increasing infringement, and the SDO community is feeling the pinch. Not only does copyright infringement affect their revenue and earnings, it keeps the price of standards high—just like the retail practice of increasing prices to recover losses due to shoplifting.

Infringement prevention ideas such as the “exploding standard” and “prosecute all of the rats” have been discussed. But it seems to me there is a pill that will be easier to swallow: bring the problem to light in the standards community along with the solution. SES has explored this problem, and while we don't have the strong arms and deep pockets to fight through the courts, there are large niches where we can make a difference.

The High Profile Cases

Public.Resource.org is a good example of a high profile case. Public Resource has been copying standards without permission and making them available without restriction on the Internet. At the time of this writing NFPA, ASTM, and ASHRAE have filed a lawsuit to stop Public.Resource.org from infringing. NFPA President Jim Shannon has remarked: “One of the things we've done, over ten years ago, is to take all of our codes and standards, which are our lifeblood, and put them up on the Internet to be accessed by anyone.” NFPA's free-access site does not permit downloading or printing of the standards, but anyone who wants access can get them anytime, anywhere in the world. While NFPA, ASTM, and ASHRAE are non-profit organizations, they depend on revenues from the sales of their documents to cover the cost of developing those standards. If the funding source is taken away, the implications are far-reaching

Most Infringement Happens at the Copier

While we should be encouraged that intentional copyright infringement of standards documents is finally having its day in court, there are other less visible infringe-

ment activities taking place every day where standards are used and distributed. These infringement activities affect the SDO's revenue stream as much as the high profile cases. It is the infringement caused by innocuous activities such as handing a supplier a copy when they ask for it or providing a copy to a co-worker or colleague. These are but two examples of innocent activities taking place every day in the workplace.

The Workplace

To affect change, we need to look at workplace dynamics. According to Pew Research, ten thousand Baby Boomers retire from our workforce every day and will continue to do so until 2030. Their knowledge is not getting passed down to the next generation. That knowledge includes how to use standards and how to protect copyrights. The new workforce grew up during the Napster age—young adults who believe “if I can access it, it's free.” This does not bode well for copyrighted documents!

Another problem is that the individual who purchases standards and signs off on the license agreement may be in purchasing, while the users of the standards are not required to read the terms and conditions of the agreement. In fact most workers assume their company ‘paid for the standards, ergo, we own it.’ The subtle difference between *buying a license to use a document* versus *buying the document* is lost on them.

Finally, the burden of reading and understanding the nuances of SDO license agreements is impractical at the user level. How would a user differentiate one SDO from another? Which terms and conditions apply to which document they use on a daily basis? People are just trying to get their work done.

Education, Not Prosecution

Copyright infringement affects the entire standards industry. One large SDO estimated that for every document they sold, one was given away gratis by their internal staff. This is when it really hit me that the problem was not just an end-user issue.

So what do we do about it? The answer is for SDOs to come together with one common voice that is vendor agnostic and

consistent. We need to talk about the problem openly with our customers and show them that we are doing something about infringement without placing undue burdens on them and their employees. The answer is education, not prosecution.

We talked about it and white-boarded it. We reached out to SDOs to get their ideas and concerns. We wanted to develop something that was unique, fresh, and current. It had to capture the notice of our growing short-attention span audience. We also knew that the key to successful execution would depend on SDO willingness to come together as one voice. Could we provide a vehicle that would allow them to do so?

Enter the IP Alliance

SDOs want to protect their intellectual property, and they want users to stop abusing their copyright. SES and IP Shield have formed a non-profit Alliance; any SDO can join. All funds received will be managed by SES and will be used to benefit the Alliance. The Alliance will produce a short video which tells the user audience what general rules apply to most SDO license agreements and their copyright infringement provisions. It will demonstrate the many ways in which inadvertent infringement happens in the workplace. The overarching message will be, “*There are some common mistakes being made every day. Here are a few examples. If you are not certain whether the action you are about to take is allowed, ASK. Ask your company, ask the SDO.*” Each member will get a branded video with the SDO's contact information to be used when questions arise. The video will be widely distributed, and each member SDO will post it to their website.

At the time of this writing, **ASTM International, CSA Group, the Institute of Inspection Cleaning and Restoration Certification, ISO, PMMI—The Association for Packaging and Processing Technologies, SAI Global, TechStreet, and Underwriters Laboratories**, have joined. A committee has been formed by SES to manage the Alliance. If you are interested in joining the committee, contact admin@SES-standards.org and read more about the Alliance at www.ip-shield.com/IPalliance.

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